

# MORTON S. MINSLEY

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September 10, 2015

**VIA ECF**

Hon. P. Kevin Castel  
United States District Judge  
US District Court, SDNY  
500 Pearl Street  
New York, New York 10007

Re: William Mok v 21 Mott St. Restaurant, et al, Docket No. 14 Cv. 8081  
US District Court, SDNY

Dear Judge Castel:

In regard to this case, I am writing in response to the letter from Plaintiff's Counsel received Friday, September 4, 2015 right before the Labor Day Holiday, requesting a conference in connection with Plaintiff's intention to move pursuant to Rule 37 of this Court. It is respectfully submitted that such a motion and/or motion conference should not be necessary.

In this matter, the Court, on August 21, 2015, upon Joint Application of the parties dated August 20, 2015, extended the deadline to complete discovery in this matter to December 3, 2015. In this letter, the parties acknowledged that there were various items of discovery which remained outstanding, including Defendants' demands for document production, which Plaintiff has not responded to, but which have been outstanding since June.

Plaintiff's letter motion addresses Plaintiff's interrogatory concerning the initial application by Plaintiff for conditional certification of collective action status. It should be noted that while Plaintiff moved for such conditional certification, Plaintiff's motion has never been fully briefed, nor has an order been entered granting such relief.

Nevertheless, after conferring with my clients, and having advised them of the minimal standards of allegations which the Plaintiff must make to be granted the first notice phase of conditional certification, Defendants have decided, in the interest of avoiding cost and expense for both sides, not to oppose this notice request, and agree to provide Plaintiff's counsel with a list of last known names and addresses of Plaintiff's kitchen and service employees for the last three years. Such names and addresses will be provided on or before September 21, 2015. Defendants will also consent to a reasonable time for Plaintiff's counsel to provide notice to these individuals of the pendency of this lawsuit and their rights therein, as well as a reasonable time for response thereafter.

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It should be noted that my clients do not concede the truth of any of Plaintiff's allegations concerning the existence of a class of prospective plaintiffs, but realize that discovery on this issue is not based on a decision on the merits of Plaintiff's allegations, which requires only a minimal showing of the existence of a potential class as alleged by Plaintiff.

I apologize to the Court and to Plaintiff's counsel for Defendants' delay in making this decision, but there has been no bad faith, only a difficulty in my advising my clients in reaching this decision based on a particularly brutal litigation schedule during the period of time outlined in Plaintiff's counsel's letter.

Thanking the Court for its consideration, I am,

Respectfully,

A handwritten signature in black ink, appearing to read "Morton S. Minsley", with a stylized, cursive script.

Morton S. Minsley

MSM: mm  
CC: John M. Gurrieri  
Law Office of Justin A. Zeller, P.C.  
***Attorneys for Plaintiff***  
***(Via ECF and first class mail)***